



City of Coral Gables
CITY COMMISSION MEETING
November 18, 2014

ITEM TITLE:

Appeal by Quality Structures, Incorporated on behalf of West Range Coral Gables, LLC for Reconsideration of Impact Fees Assessed on 5800 San Amaro Drive.

DEPARTMENT HEAD RECOMMENDATION:

For your consideration.

BRIEF HISTORY:

A Building Permit was issued on 01-24-14 to Quality Structures, Incorporated on behalf of West Range Coral Gables, LLC (hereinafter "West Range") to construct a new fraternity house at 5800 San Amaro Drive, Coral Gables, Florida. The invoice for the permit included the customary municipal impact fees for Police, Fire and EMS, General Government, Parks and an impact fee service charge. West Range contends that the impact fees were not correctly calculated and requests the Commission's reconsideration. Also charged was a fee for the Art Acquisition Fund but it was later refunded to West Range and is not the subject of this petition.

For the purposes of calculating impact fees, the project was initially treated as a multi-family residential project. The building permit described the project as including eighteen (18) units; Staff applied a credit of seven (7) units for the structure that previously occupied the site and thus calculated the fees based on eleven (11) units. The rates for the different fees were taken from the "Multi-Family: Low Rise Residential Development" category of Ordinance 2009-01 ("the Ordinance"), as follows: Police: \$680 per unit; Fire and EMS: \$1661 per unit; General Government: \$873 per unit; Park: \$3931 per unit; and Service Charge: \$26 per unit.

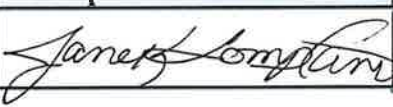
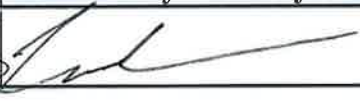
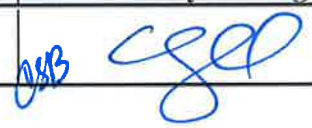
Altogether, the fees totaled \$78,881. In addition, a \$20,000 fee for the Art Acquisition Fund was charged. Due to the urgency to obtain the Permit and begin construction, West Range paid these sums (and received the Building Permit) but soon thereafter appealed to Staff for a reconsideration of the fees. Upon appeal, Staff determined that the fees had been miscalculated. The impact fees should have been calculated using the University of Miami (UM) multipliers instead of the multi-family residential multipliers (\$415, \$1069, \$562, \$10 and \$9, respectively). Under the Ordinance, the variable quantified for UM (and related projects) is the bed count, as opposed to the unit count. The available government records indicate that fifteen (15) beds were permitted in the original structure. The plans for the new building call for thirty-five (35) beds. Therefore, Staff believed the impact fees should be based on the increased impact, or twenty (20) beds. This led to a total sum of \$41,300 for all impact fees and the difference (\$37,581) was refunded to West Gate. Staff also concluded that the fee for the Art Acquisition Fund should be returned. Campus projects are exempt from paying into that fund, and Staff determined that the fraternity house is part of the campus. Consequently, the \$20,000 Art fee was refunded.

West Range has now filed this appeal to the City Commission pursuant to the Ordinance on the grounds that the bed count applied was inaccurate. They contend that the original structure had a bed count of thirty-seven (37), or two (2) more than the plans for the new structure. West Range has submitted a packet of documents (attached as Exhibit A) to support the claim of thirty-seven (37) beds. These supporting documents include written statements from former residents and printouts from the Gamma Omega Chapter's databases from various years.

In concluding that only fifteen beds (15) were formally recognized or authorized for the previous structure, Staff relied on (1) a document from Miami-Dade County's Water and Sewer Department stating that the previous usage was a fifteen (15) bed dormitory building (Exhibit B); and (2) a statement from Fire Chief Rob Lowman that the earlier structure was cited for code violations based on the illegal units. The Building Division's archives were searched but didn't yield any helpful information about the bed count in the previous structure. One floor plan for the building was found, but the rooms weren't labeled on the plans. Similarly, the previous structure apparently was never issued a Certificate of Use, so additional information about the bed count couldn't be obtained that way either. Consequently, Staff relied on the County document that indicated the structure had fifteen beds to calculate the impact fees.

The Commission has the authority to affirm, reverse, or modify the action of the Staff.

APPROVED BY:

Department Director	City Attorney	City Manager
		

ATTACHMENT(S):

- A. Packet from Quality Structures, Incorporated
- B. Miami Dade County Water and Sewer Verification Form